

MANDATE

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE, NEW YORK, N.Y. 10007

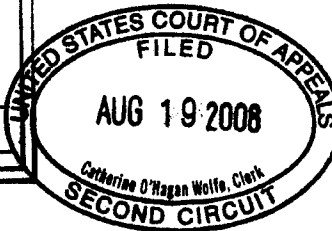
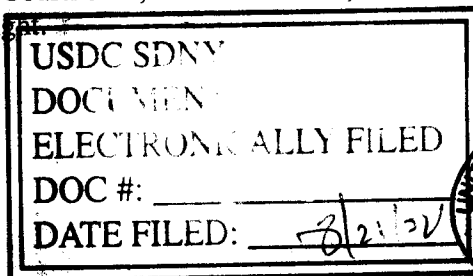
Catherine O'Hagan Wolfe
CLERK OF COURT

Date: 8/19/08
Docket Number: 08-2114-op
Short Title: Smith v. Burge

DC Docket Number: 07-cv-5679
DC: SDNY (NEW YORK CITY)
DC Judge: Honorable Richard Holwell

At a stated term of the United States Court of Appeals for the Second Circuit, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 19th day of August, two thousand eight.

Craig Smith,
Petitioner,
v.



AUG 21 2008

John W. Burge, Auburn Correctional Facility,
Respondent.

NOTICE HAVING BEEN GIVEN that the petitioner was required to file an application requesting that this court authorize a second or successive habeas corpus petition in the United States District Court, and **PETITIONER HAVING FAILED** to file said application within the **FORTY FIVE DAYS** prescribed, **authorization for the underlying petition is DENIED pursuant to Liriano v. USA, 95 F.3d 119 (2nd Cir. (NY))**. Any motions pending prior to the entry of this order of dismissal are deemed **MOOT**.

CERTIFICATE OF MAILING

The undersigned Deputy Clerk hereby certifies that this order was mailed this date to all parties to this action.

For the Court:
Catherine O'Hagan Wolfe, Clerk
By: Gislaine Phillip
Gislaine Phillip, Deputy Clerk

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by Gislaine Phillip
DEPUTY CLERK

Certified:

AUG 19 2008